



**METROPOLITAN GOVERNMENT  
OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department  
Lindsley Hall  
730 Second Avenue South  
Nashville, Tennessee 37201

**Minutes  
Of the  
Metropolitan Planning Commission**

*April 27, 2006*

\*\*\*\*\*

**4:00 PM**

*Howard School Auditorium, 700 Second Ave., South*

**PLANNING COMMISSION:**

James Lawson, Chairman  
Doug Small, Vice Chairman  
Stewart Clifton  
Judy Cummings  
Tonya Jones  
Ann Nielson  
Victor Tyler  
James McLean  
Councilman J.B. Loring  
Phil Ponder, representing Mayor Bill Purcell

**Staff Present:**

Richard Bernhardt, Executive Director  
Ann Hammond, Assistant Director  
Brooks Fox, Legal Counsel  
David Kleinfelter, Planning Mgr. II  
Bob Leeman, Planner III  
Kathryn Fuller, Planner III  
Trish Brooks, Admin. Svcs. Officer 3  
Luis Pereira, Planner I  
Jason Swaggart, Planner I  
Adriane Harris, Planner II  
Jennifer Carlat, Communications Officer  
Dennis Corrieri, Planning Tech I

**I. CALL TO ORDER**

The meeting was called to order at 4:05 p.m.

**II. ADOPTION OF AGENDA**

Ms. Hammond announced there was a corrected agenda distributed to the Commissioners as well as the public today. Mr. Small moved and Ms. Nielson seconded the motion, which passed unanimously to adopt the agenda as presented. (7-0)

Ms. Jones arrived at 4:06 p.m.

**III. APPROVAL OF APRIL 11, 2006 MINUTES**

Mr. McLean moved and Mr. Ponder seconded the motion, which passed unanimously to approve the April 11, 2006 minutes as presented. (8-0)

Mr. Clifton arrived at 4:07 p.m.

Ms. Cummings arrived at 4:07 p.m.

**IV. RECOGNITION OF COUNCILMEMBERS**

Councilman Jameson spoke regarding Item #3, 2005SP-170U-05, Walden Specific Plan. He requested that this item be deferred due to the many issues and concerns raised by the constituents affected by this proposal. He stated that Mr. March Egerton, the applicant, was present at the meeting and stated he was in favor of deferring this proposal until May 11, 2006.

It was suggested by staff that the Public Hearing for Item #3, 2005SP-170U-05 be kept open so that this item would not have to be re-noticed. It was also suggested that the public sign displayed for this item be altered to notify residents of the new hearing.

Councilman Foster spoke in favor of Item #16, 2006S-133U-12 which was on the Consent Agenda for approval.

Councilman Briley stated that his item, 2006CP-08-13 was on the Consent Agenda for approval.

Councilwoman Gilmore requested that Item #5, 2006Z-053U-03 be deferred so that she could host a meeting with the developer and the residents to review the proposed zone change request. She stated she has received numerous calls in opposition. The applicant stated he was in favor of deferring this proposal until May 25, 2006.

**V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN**

- |     |                |   |  |
|-----|----------------|---|--|
| 1.  | 2006SP-016U-08 | The Courts of Germantown Specific Plan - Request to change from IR to SP zoning property located at 1211, 1215, 1217, 1219, and 1229 4th Avenue North, 4th Avenue North (unnumbered) and 407 Monroe Street, to permit the development of 35 townhomes 1,661 square feet of retail and restaurant space, and a 920 square foot club house  | – deferred indefinitely at the request of the applicant                      |
| 3.  | 2005SP-170U-05 | A request to change from R6 to SP zoning, property located at 1818 and 1900 Eastland Avenue and Eastland Avenue (unnumbered), between 18 <sup>th</sup> and 20 <sup>th</sup> Streets (7.26 acres), to permit the development of 99 residential units, 18,600 square feet of retail uses, 18,500 square feet of restaurant uses, 20,500 square feet of office uses, 6,800 feet of personal care service uses, 3,000 square feet of custom assembly uses, and 3 single family lots | – deferred to May 11, 2006 at the request of the applicant                   |
| 5.  | 2006Z-053U-03  | Request to change from RS40 to RS10 zoning property at Clarksville Pike (unnumbered)  | - deferred to May 25, 2006 at the request of the councilmember and applicant |
| 15. | 2006S-148G-14  | Hermitage Creek - Request for preliminary plat approval to create 11 cluster lots at Tulip Grove Road (unnumbered)  | – deferred to May 11, 2006 at the request of the applicant                   |
| 18. | 102-86-P-06    | Riverside, Phase 7 - Request to amend the approved preliminary plan for a residential Planned Unit Development, located on the south side of Northridge Drive, and west of Old Harding Pike, to allow for an additional 9 lots to Phase 7, increasing the total number of approved single family lots in the PUD from 254 to 263 single family lots   | – deferred indefinitely at the request of the applicant                      |

Mr. McLean moved, and Ms. Nielson seconded the motion, which passed unanimously to approve the Deferred and Withdrawn items, with the added condition that Item #3, 2005SP-170U-05, Walden Specific Plan public hearing be kept open until May 11, 2006. **(10-0)**

**VI. PUBLIC HEARING: CONSENT AGENDA**  
**COMMUNITY PLAN AMENDMENTS**

2006CP-08-13	Request to Amend the Antioch-Priest Lake Community Plan: 2003 Update for approximately 322 acres for property located along Hobson Pike and Hamilton Church Road	- Approve
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A REQUEST TO AMEND THE MAJOR STREET PLAN TO CHANGE THE DESIGNATION OF HOBSON PIKE BETWEEN MURFREESBORO PIKE AND PERCY PRIEST LAKE FROM S4 SCENIC 4-LANE ARTERIAL TO U4 URBAN 4-LANE ARTERIAL, REQUESTED BY THE METROPOLITAN PLANNING DEPARTMENT.	- Approve
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**ZONING MAP AMENDMENTS**

- 2. 2003Z-080U-12 Request to change from AR2a to RM9 district property located at 91 Tusculum Road - Approve
- 4. 2006Z-049T A council bill to amend Section 17.40.300 of the Metro Zoning Code to require the Board of Zoning Appeals to provide the applicant for a special exception with a copy of the Planning Commission Report regarding the application prior to the public hearing, sponsored by Councilmembers John Summers and Lynn Williams - Approve
- 7. 2006Z-056U-10 Request to change from R10 to RS10 zoning various properties located on 23rd Avenue South, Oxford Road, Springdale Drive, and Wortham Avenue, between Golf Club Lane and Sharondale Drive - Approve
- 10A. 2006SP-061G-12 Request to change from RS10 to SP zoning on property located at Nolensville Pike (unnumbered) to permit 25 townhomes, approximately 1,035 feet north of Hills Chapel Road - Approve/w conditions
- 11. 2006Z-062T A council bill to amend Section 17.40.720 "Notice by Mail" of the Zoning Code by requiring public notification to be lengthened from 21 days to 45 days to property owners within 600 feet of a property to be considered by the Board of Zoning Appeals for special exceptions and variances, sponsored by Councilmember John Summers. - Approve /w conditions
- 12. 2006Z-063T A council bill to amend Section 17.28.030.1.a. and 1.b. "Hillside Development Standards - Residential Districts" of the Zoning Code by grandfathering in all preliminary plats approved prior to March 1, 2006 where the minimum width of the building line at the front street back is less than 75 feet - Approve with staff recommended changes

**PRELIMINARY SUBDIVISION PLATS**

- 14. 2006S-136U-13 Mill Run Commons -Request for preliminary plat approval to create 8 single-family lots, 3 multi-family lots, and 1 greenway/conservation easement lot at Franklin Limestone Road (unnumbered) - Approve w/ conditions

**FINAL PLATS**

- 16. 2006S-133U-12 Carden Subdivision, Sec. 2 - Request for final plat approval to create 3 lots at Edmondson Pike (unnumbered) - Approve w/ conditions
- 17. 2006S-139A-10 Harpeth View Estates, Sec. 2, Lot 13 - Request to amend the recorded street setback along Wayland Drive from 100 ft to 85 ft and along Wayland Court from 75 ft to 60 ft, northwest corner of Wayland Drive and Wayland Court (.96 acres), zoned R40, requested by Green Investors LLC, owner, Russell Looney, agent. - Approve

**PLANNED UNIT DEVELOPMENTS (revisions)**

- 19. 2004P-035G-12 Burkitt Place, Phase 2 - Request to revise the approved preliminary plan and for final approval for a phase of the residential Planned Unit Development district located on the south side of Burkitt Road, to permit 191 single-family lots, and 64 townhomes - Approve w/conditions

**OTHER BUSINESS**

- 20. Technical Assistance Contract with Greater Nashville Regional Council with the Metropolitan Planning Organization - Approve
- 21. Amendment One to the Southeast Corridor Transit study to extend the length of the contract - Approve
- 22. Amendment Two to the Southeast Corridor Transit study to extend the length of the contract - Approve

Ms. Hammond moved, and Mr. Small seconded the motion, which passed unanimously to adopt the Consent Agenda as presented. (10-0)

**VII. COMMUNITY PLAN AMENDMENTS**

**2006CP-08-13**

Request to Amend the Antioch-Priest Lake Community Plan: 2003 Update

Maps 150, 151, 164, and 165 Various Parcels

Subarea 13

District 32 – Sam Coleman

District 33 – David Briley

A request to amend the Antioch-Priest Lake Community Plan: 2003 Update to go from Corridor Edge, Neighborhood Center, and Community Center policies to Corridor Edge, Neighborhood General, Neighborhood Center, and Community Center policies with a Special Policy overlay for approximately 322 acres for property located along Hobson Pike and Hamilton Church Road, requested by the Stevens Group and the Metropolitan Planning Department.

**A REQUEST TO AMEND THE MAJOR STREET PLAN TO CHANGE THE DESIGNATION OF HOBSON PIKE BETWEEN MURFREESBORO PIKE AND PERCY PRIEST LAKE FROM S4 SCENIC 4-LANE ARTERIAL TO U4 URBAN 4-LANE ARTERIAL, REQUESTED BY THE METROPOLITAN PLANNING DEPARTMENT.**

**Staff Recommendation - *Approve***

**APPLICANT REQUEST -** A request to amend the Major Street Plan to change the designation of Hobson Pike between Murfreesboro Pike and Ole Nottingham Drive from S4 Scenic 4-lane Arterial to U4 Urban 4-lane Arterial, requested by the Metropolitan Planning Department.

**PUBLIC PARTICIPATION -** Staff held a community meeting on April 20, 2006 which was attended by approximately 10 people. Most of the people present at the meeting expressed agreement with the amendment and interest in future detailed neighborhood design planning for the area.

**ANALYSIS -** The Major Street Plan is proposed to be amended by redesignating the section of Hobson Pike between Murfreesboro Pike and Ole Nottingham Drive from an S4 Scenic 4-lane Arterial to a U4 Urban 4-lane Arterial. This change is recommended to better coordinate the planned cross-section for this section of Hobson Pike with the planned land use policies called for in the related community plan amendment on this same agenda, which are Corridor General, Neighborhood General, Community Center, and Neighborhood Center. These policies are intended to produce moderate to high-intensity environments that are better suited to a narrower Urban than a Scenic Arterial cross section\*, which is more appropriate in lower density environments. Additionally, Hobson Pike will intersect a U6 Arterial, Murfreesboro Pike, at another Community Center location already called for in the Antioch-Priest Lake Community Plan.

\*Standard S4 cross section is 100’ total including a landscaping easement while the standard U4 cross section is 84’

Approved (10-0), *Consent Agenda*

**Resolution No. RS2006-135**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006CP-08-13 is **APPROVED. (10-0)**”

**VIII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING**

**ZONING MAP AMENDMENTS**

**1. 2006SP-016U-08**

The Courts of Germantown Specific Plan

Map 082-09, Parcels 312, 314, 315, 316, 317, 318,319, 320

Subarea 8 (2002)

District 19 - Ludy N. Wallace

A request to change from IR to SP zoning property located at 1211, 1215, 1217, 1219, and 1229 4th Avenue North, 4th Avenue North (unnumbered) and 407 Monroe Street, (1.67 acres), to permit the development of 35 townhomes 1,661

square feet of retail and restaurant space, and a 920 square foot club house requested by Dale and Associates, for William Hunter, etux, C & D Safety Company, LLC, owners.

**Staff Recommendation – Approve with conditions**

**The Metropolitan Planning Commission DEFERRED Zone Change 2006SP-016U-08 indefinitely at the request of the applicant. (10-0)**

**FINAL PLATS**

**1A. 2006S-105U-10**

Sharondale Heights, Resub. Lot 1  
Map117-07-0-R, Parcel 001, 002, 003  
Subarea 10 (2005)  
District 8 - Jason Hart

A request for final plat approval to create 2 lots located between White Oak Drive and Wellesley Trace with a sidewalk variance along Wellesley Trace (.52 acres), approximately 352 feet north of Golf Club Lane, zoned R10, requested by Golf Club Partners, owner, E. Robert Alley & Associates.

**Staff Recommendation – Disapprove**

**Staff Recommendation - Disapprove the subdivision and the requested sidewalk variance.**

**APPLICANT REQUEST - Final Plat**

Request to create two lots from one lot on 0.52 acres, located between White Oak Drive and Wellesley Trace, with a sidewalk variance along Wellesley Trace, approximately 352 feet north of Golf Club Lane (classified within the R10 district).

**ZONING**

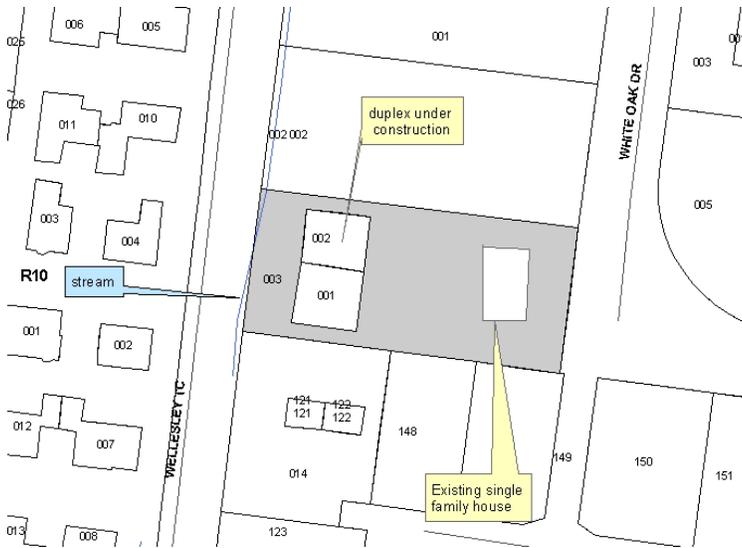
**R10 district - R10** requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

**PLAN DETAILS** - This subdivision proposes the creation of two lots from Lot 1 of the Sharondale Heights subdivision where Lot 1 faces Wellesley Trace, and Lot 2 faces White Oak Drive. There is an existing duplex on the proposed lot 1, and a single-family house on the proposed lot 2.

**Sidewalk variance** - This property falls within the Urban Services District, and development rights for one new dwelling unit will be created with this subdivision. A sidewalk is required to be constructed along the frontage of lot 1 on Wellesley Trace (the proposed lot 2 has an existing single family home on it, proposed to remain). Because there is no existing sidewalk on streets in the immediate vicinity, an alternative to the required sidewalk would be a contribution to the sidewalk fund, accepted in lieu of actually constructing the required sidewalk. The applicant has not shown the required sidewalk along Wellesley Trace on the plat, and has instead requested a variance from constructing this sidewalk.

In the variance request, the applicant cites a “creek at the entrance of Wellesley Trace”, and a “falloff” of topography as a hardship that would make the sidewalk unable to be built “at any price.” Metro maps *do* show the presence of a stream parallel to the frontage of proposed lot 1, near Wellesley Trace, and in a sidewalk constructability report Public Works has stated that sidewalk construction at the southwest property corner

*“may impact the ditch/stream to approximately thirty feet north of the southwest property corner. Stream realignment/culvert may be required.”*



If the Commission approves the requested subdivision, staff *does* recommend approval of the sidewalk variance along Wellesley Trace, given the presence of a stream along the frontage of proposed Lot 1 as well as the existence of two water meters located 30 feet north of the southwest property corner.

**Lot comparability** - Section 2-4.7 of the Subdivision Regulations states that new lots in areas that are predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots.

Two lot comparability analyses were performed, given that the proposed Lot 1 fronts on Wellesley Trace and the proposed Lot 2 fronts on White Oak Drive. The lot comparability analysis yielded the following information:

Lot Comparability Analysis	Requirements:	
	Minimum lot size (sq. ft.):	Minimum lot frontage (linear ft.):
street:		
White Oak Drive	17,587.0	88.0
Wellesley Trace	15,020.0	99.0

As proposed, the two new lots have the following areas and street frontages:

- Lot 1: 12,287 Sq. Ft., (0.28 Acres), and 99.3 ft. of frontage on Wellesley Trace.
- Lot 2: 10,425 Sq. Ft., (0.24 Acres), and 102 ft. of frontage on White Oak Drive.

Both Lots 1 and 2 fail for minimum lot areas but pass the minimum lot frontages.

**Exception to lot comparability** - A lot comparability exception can be granted if a proposed lot fails the lot comparability analysis (is smaller in lot frontage and/or size) if the new lots would be consistent with the General Plan. The Planning Commission has discretion whether or not to grant a lot comparability exception when the required criteria are met.

Both lots fail the minimum lot size by approximately 5,000 square feet. The proposed lots also do not meet any of the qualifying criteria of the exception to lot comparability.

**Agreement with the Metro Codes Department** - The Commission should note that in a letter addressed to the Codes Department, dated July 11, 2005, the applicant asserted his understanding that the Codes Department would not issue a Final Use and Occupancy permit for the duplex at 2855 and 2857 Wellesley Trace (proposed lot 1) until the house at 2821 White Oak Drive (proposed lot 2) had been removed *or* the lot had been subdivided into two lots. The Planning

Department staff normally requires any existing buildings to be shown on plats, with a corresponding note that indicates either that the building will remain or be demolished. The plat does not contain a note that indicates that the house at 2821 White Oak Drive (proposed lot 2) will be demolished, as the applicant has opted to subdivide instead. If not subdivided, staff recommends the demolition of the existing house at 2821 White Oak Drive, in accordance with the applicant's agreement with the Codes Department.

If approved, prior to final recordation, the plat must be revised to modify the purpose note to read "The purpose of this plat is to subdivide lot 1 of Sharondale Heights into Lot 1 (for a duplex or single family use), and lot 2 (for a single family house only).

**Staff Recommendation** - Staff recommends disapproval of this subdivision, based on the failure of the proposed lots to meet lot comparability. If disapproved, staff also recommends the demolition of the existing house at 2821 White Oak Drive, as per the applicant's agreement with the Codes Department. If this house were to remain there would be three units on one lot, which would be a violation of the zoning.

If the subdivision is approved, staff recommends that the approval be accompanied by the conditions as outlined below, along with the approval of a sidewalk variance along Wellesley Trace.

**PUBLIC WORKS RECOMMENDATION**

1. No Exceptions Taken.
2. Show and dimension right of way along Wellesley Trace and White Oak Drive.

**STORMWATER RECOMMENDATION** -Returned for Corrections on 2/16/06.

If approved, the following conditions must be addressed prior to recording:

1. Add the subdivision number, i.e., 2006S-105U-10, to the plat.
2. Correct the FEMA plat note. Specifically, delete the word, 'Floor' and replace with, "Flood." The alphanumeric string, '47037C' is not the community number for Davidson County. Consequently, delete the phrase, 'Program Community' and replace with, "Rate Map."
3. The plat cited in plat note #11 is ostensibly non-existent. Cite the correct Plat Book, and Page numbers.
4. Add the standard Access Note.
5. Add the standard Culvert/Driveway Note.
6. Add the standard Buffer Note.
7. Change the P.U.E. label to a P.U. & D.E. label
8. Show and label a drainage easement for the stream present on the western portion of the platted property. Size the public drainage easement in accordance with Table 6-1 of Volume 1 of the Stormwater Management Manual.
9. Show and label a buffer for the stream, as shown on the approved grading plans. The buffer is 25' from top of bank or 30' from channel centerline, whichever affords the greatest buffer width. See markup.
10. Cite the appeal numbers, i.e., 2005-025, and 2005-041.

**CONDITIONS (If approved)**

1. If approved, then prior to final plat recordation, the plat must be revised to label the existing buildings on the plat, indicating whether they are to remain or be demolished.
2. If approved, then prior to final plat recordation, the plat must be revised to modify the purpose note to read "The purpose of this plat is to subdivide lot 1 of Sharondale Heights into Lot 1 (for a duplex or single family use), and lot 2 (for single family purposes only).
3. If approved, then prior to final plat recordation, the master deed on the property must be rescinded to remove the horizontal property regime.
4. If approved, then prior to final plat recordation, all Stormwater conditions above must be complied with on the plat.

Mr. Pereira presented and stated that staff is recommending disapproval of the subdivision as well as disapproval of the sidewalk variance.

Mr. Gary Bigelow, Habitat for Humanity, spoke in favor of the proposal.

Mr. Robert Schwartz, 2106 Golf Club Lane, spoke in opposition to the proposal. He presented a petition of opposition to the Commission for the record.

Mr. Jeffrey Buntin, 2158 Golf Club Lane, spoke in opposition to the proposal.

Ms. Linda Stiegele, 2908 Wellesley Trace, spoke in opposition to the proposal.

Ms. Clara Mayer, 2902 Wellesley Trace, spoke in opposition to the proposal.

Ms. Pat Tellinghuisen, 2815 White Oak Drive, spoke in opposition to the proposal.

Mr. David Baird, 2928 Wellesley Trace, spoke in opposition to the proposal.

Mr. Dick Stiegele, 2908 Wellesley Trace, spoke in opposition to the proposal. He displayed a photo of the area.

Mr. Gary Taylor, 2906 Wellesley Trace, spoke in opposition to the proposal.

Ms. Melinda Pate, 2160 Golf Club Lane, spoke in opposition to the proposal. She displayed a petition of opposition.

Ms. Mandy Wachtler, 2709 Valley Brook Place, spoke in favor of the proposal.

Ms. Janice Crane, 1018 Chancery Lane, spoke in favor of the proposal.

Ms. Kathy Macre, 2813 White Oak Drive, spoke in opposition to the proposal.

Mr. Walt Baker, 2160 Golf Club Lane, spoke in opposition to the proposal.

Mr. Adam Epstein, 3704 Hobbs Road, spoke in favor of the proposal.

Mr. James Newsom, 4408 Dyke Bennett Road, spoke in favor of the proposal.

Ms. Nielson spoke in opposition to the proposal. She stated the action to approve would set a dangerous precedent.

Mr. McLean spoke in favor of staff recommendation.

Mr. Clifton spoke in favor of staff recommendation. He stated that opposing staff recommendation would set a bad precedent.

Ms. Cummings stated she supported staff's recommendation.

Mr. Tyler stated he supported staff's recommendation.

Mr. Ponder spoke in favor staff's recommendation.

Mr. Small stated he was in favor staff's recommendation.

Ms. Jones stated she was in favor of staff recommendation. She acknowledged the purpose of having Habitat for Humanity speak on this proposal.

Mr. Loring acknowledged the concerns of the residents. He stated he was not sure on his stance on this issue.

Mr. Clifton reiterated the precedent that would be set if this proposal was approved as submitted.

Mr. Ponder moved and Mr. Small seconded the motion, to disapprove Final Plat 2006S-105U-10. **(10-0)**

**Resolution No. RS2006-136**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 2006S-105U-10 **DISAPPROVED. (10-0)"**

**IX. PUBLIC HEARING: ZONING MAP AMENDMENTS**

2. **2003Z-080U-12**  
 Map 162-00, Parcel 055  
 Subarea 12 (2004)  
 District 32- Sam Coleman

A request to change from AR2a to RM9 district property located at 91 Tusculum Road, along the south side of Tusculum Road and Benzing Rd., (4.45 acres) requested by Gary Batson, applicant for Janie Broadhead, owner.

**Staff Recommendation – Approve**

**Staff Recommendation - Approve**

**APPLICANT REQUEST** - Rezone 4.45 acres from agricultural/residential (AR2a) to multi-family residential (RM9) district property located at 91 Tusculum Road, at Benzing Road.

**Existing Zoning**

AR2a district - Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres.

**Proposed Zoning**

RM9 district - RM9 is intended for single-family, duplex, and multi-family dwellings at a maximum density of 9 dwelling units per acre.

**SOUTHEAST COMMUNITY PLAN POLICY**

Residential Medium-High (RMH) - RMH policy is intended for existing and future residential areas characterized by densities of nine to twenty dwelling units per acre. A variety of multi-family housing types are appropriate, including attached townhomes and walk-up apartments.

Special Policy Area 3 - This special policy applies to the properties within the Whittmore Branch drainage area. A comprehensive stormwater management study should be conducted, and pending a comprehensive solution to the flooding problems in this area, any rezoning should be contingent on stormwater management solutions proposed and undertaken by the applicants that improve the drainage situation over both the current situation and what would be accomplished simply by meeting current regulatory requirements. Any site specific recommendation of the comprehensive stormwater management study shall be incorporated in the proposed neighborhood plan. In addition, the average density of each of the planned neighborhoods should not exceed nine housing units per acre.

**Policy Conflict** - No, the proposed RM9 district and associated PUD plan are consistent with the low end of the RM policy area calling for nine to twenty dwelling units per acre. The final PUD will be required to show how stormwater plans will address the special policy.

**RECENT REZONINGS** - No.

**PUBLIC WORKS RECOMMENDATION** - No exceptions taken. See PUD, 2006P-004U-12 for conditions.

**Typical Uses in Existing Zoning District: AR2a**

Land Use (ITE Code)	Acres	Density per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210 )	4.45	0.5	2	20	2	3

**Typical Uses in Proposed Zoning District: RM20/PUD**

Land Use (ITE Code)	Acres	Density Per Acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
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Residential Condo/Townhome (230 )	4.45	--	40	295	25	29
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\*number of lots proposed in PUD

**Change in Traffic Between Typical Uses in Existing and Proposed Zoning District**

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	4.45	--	+38	275	23	26

**METRO SCHOOL BOARD REPORT**

Projected student generation    4 Elementary    3 Middle    2 High

**Schools Over/Under Capacity** - Students would attend Cole Elementary School, Antioch Middle School, or Antioch High School. All three schools have been identified as over capacity by the Metro School Board, but Glencliff is an adjacent cluster with capacity. New elementary and middle schools are under construction on a property located along Pettus Road, and there is a land acquisition underway for a new high school near I-24 and Old Hickory Boulevard. This information is based upon data from the school board last updated February 2006.

Approved (10-0), *Consent Agenda*

**Resolution No. RS2006-137**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2003Z-080U-12 is **APPROVED. (10-0)**

**The proposed RM9 district and associated PUD are consistent with the Southeast Community Plan’s Residential Medium High policy that is for residential development with a density range between 9 and 20 dwelling units per acre.”**

- 3.     **2005SP-170U-05**  
Walden Specific Plan  
Map 083-06, Parcels 378, 379, 413  
Subarea 5 (1994)  
District 6 - Mike Jameson

A request to change from R6 to SP zoning, property located at 1818 and 1900 Eastland Avenue and Eastland Avenue (unnumbered), between 18th and 20th Streets (7.26 acres), to permit the development 99 residential units, 18,600 square feet of retail uses, 18,500 square feet of restaurant uses, 20,500 square feet of office uses, 6,800 square feet of personal care service uses, 3,000 square feet of custom assembly uses, and 3 single family lots, requested by March Egerton, applicant/owner.

**Staff Recommendation – Approve with conditions**

**The Metropolitan Planning Commission DEFERRED Zone Change 2005SP-170U-05 to May 11, 2006, at the request of the applicant. (10-0)**

- 4.     **2006Z-049T**  
Council Number - BL2006-999

A council bill to amend Section 17.40.300 of the Metro Zoning Code to require the Board of Zoning Appeals to provide the applicant for a special exception with a copy of the Planning Commission Report regarding the application prior to the public hearing, sponsored by Councilmembers John Summers and Lynn Williams.

**Staff Recommendation – Approve**

**Staff Recommendation - Approve**

**APPLICANT REQUEST** - Amend Zoning Code to require the Board of Zoning Appeals (BZA) to provide a copy of the

planning commission staff report on a special exception item, if requested by the applicant, at least 48 hours in advance of the BZA public hearing on that item.

**ANALYSIS**

**Existing Law** - The Zoning Code currently requires under Section 17.40.300 the planning department to review all special exception requests on an upcoming BZA docket, and to provide a report to the BZA on the “nature of existing and future land uses in the general vicinity of the proposed special exception use.” Staff currently provides the BZA staff that report at least one week in advance of the upcoming meeting.

**Proposed Text Change** - The proposed text amendment would modify only Section 17.40.300 by requiring the BZA staff to provide a copy of that planning department report, when requested by an applicant, at least 48 hours in advance of the BZA public hearing on that item.

**Proposed Text Amendment-17.40.300 Planning commission report.** Special exception uses that would otherwise require final site plan approval by the planning commission pursuant to Section 17.40.170B may be considered and approved by the board upon consideration of a recommendation from the planning commission. All other special exception use applications shall be transmitted from the board of zoning appeals to the planning department for review and a report. Upon receipt of a complete application from the board, the planning department shall review the application and report to the board following a twenty-eight-day review period. In its review, the planning department shall advise on the nature of existing and future land uses in the general vicinity of the proposed special exception use. Upon request by the applicant, the board shall furnish a copy of the planning commission report or analysis regarding the proposed special exception to the applicant not less than forty-eight hours prior to the public hearing required by section 17.40.310.

**Analysis** - The planning department staff report should be made available to the applicant, and anyone else requesting a copy of it, at least 48 hours in advance of the BZA public hearing. When feasible, it should also be posted on the Codes Department webpage for the BZA, adjacent to the corresponding BZA meeting date – similar to how the Planning Commission staff report is posted prior to the commission’s meeting.

**Staff Recommendation** - Approve. Prior to a BZA meeting, applicants for a special exception, and the public in general, should have made available to them the planning commission report either in hard-copy or digital via the Internet, at least 48 hours in advance of the BZA’s consideration of a docket item.

Approved (10-0), *Consent Agenda*

**Resolution No. RS2006-138**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-049T is **APPROVED. (10-0)**”

- 5. **2006Z-053U-03**  
Map 059-00, Parcel 024  
Subarea 3 (2003)  
District 1 - Brenda Gilmore

A request to change from RS40 to RS10 zoning property at Clarksville Pike (unnumbered), at the terminus of Sunnywood Drive and Vista Valley Court (2.68 acres), requested by Dale & Associates, applicant, for DY Properties II LLC, owner.

**Staff Recommendation – Approve with conditions**

Ms. Nielson moved and Mr. Loring seconded the motion, which passed unanimously to defer zone change 2006Z-053U-03 until May 25, 2006. **(10-0)**

**Resolution No. RS2006-139**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-053U-03 is **DEFERRED TO THE MAY 25, 2006, COMMISSION MEETING. (10-0)**”

- 6. **2006Z-055U-10**

Map 117-15, Parcel Various  
Map 117-16, Parcel Various  
Subarea 10 (2005)  
District 25 - Jim Shulman

A request to change from R10 to RS10 zoning various properties located on Burton Avenue, Observatory Court, and Observatory Drive, west of Belmont Boulevard (28.07 acres), requested by Councilmember Jim Shulman.

**Staff Recommendation – Approve**

**APPLICANT REQUEST** - A request to change approximately 28.07 acres from single-family and duplex (R10) to single-family (RS10) zoning various properties located on Burton Avenue, Observatory Court, and Observatory Drive, west of Belmont Boulevard.

**Existing Zoning**

R10 District R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

**Proposed Zoning**

RS10 district RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre.

**GREENHILLS/MIDTOWN COMMUNITY PLAN**

Residential Low Medium (RLM) -RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

**Policy Conflict** -No. The proposed RS10 single-family residential district is consistent with the area's Residential Low Medium policy.

**PUBLIC WORKS RECOMMENDATION** -No Exceptions Taken

**METRO SCHOOL BOARD REPORT** - The number of students generated by this rezoning is negligible since this is an existing, platted area.

Ms. Harris presented and stated that staff is recommended approval.

Mr. Scott Saunders, 1721 N. Observatory Drive, spoke in opposition to the proposal.

Mr. Bernhardt explained the issue of residents wanting to opt out of the mass rezoning.

Mr. David Daniel, 1627 Observatory Drive, spoke in opposition to the proposal.

Mr. Gregory Smith, 1620 S. Observatory Drive, spoke in favor of the proposal. He submitted a petition in favor of the proposed rezoning to be reviewed by the Commission.

Mr. Jon Bechtel, 1621 S. Observatory Drive, spoke in favor of the proposal.

Mr. Ralph Hinley, 1611 S. Observatory Drive, spoke in favor of the proposal.

Ms. Jan Reed, 1620 S. Observatory Drive, spoke in favor of the proposal.

Mr. Charles Summons, 1619 S. Observatory Drive, spoke in favor of the proposal.

Mr. Lawson explained the grandfather clause included in RS zoning in relation to existing duplexes.

A brief discussion ensued among the Commissioners regarding this clause.

Mr. Ponder spoke in favor of RS zoning. He stated he was in favor of staff's recommendation.

Mr. Tyler stated she was in favor of staff's recommendation.

Mr. Clifton stated that this downzoning would be consistent with other rezonings the Commission approved for this area.

Mr. McLean commented on the need for density. However, he stated this rezoning would be compliment this particular area.

Mr. Small agreed with staff and moved for its approval.

Ms. Jones stated she was not in favor of approving this zone change.

Mr. Small moved and Mr. Loring seconded the motion, to approve Zone Change request 2006Z-055U-10 as recommended by staff. **(9-1) No Vote-Jones**

**Resolution No. RS2006-140**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-055U-10 is **APPROVED. (9-1)**

**The proposed RS10 district is consistent with the Green Hills/Midtown Community Plan’s Residential Low Medium policy, which is for residential development within a density range of two to four dwelling units per acre.”**

- 7. **2006Z-056U-10**  
 Map 117-02, Parcel Various  
 Subarea 10 (2005)  
 District 25 - Jim Shulman

A request to change from R10 to RS10 zoning various properties located on 23rd Avenue South, Oxford Road, Springdale Drive, and Wortham Avenue, between Golf Club Lane and Sharondale Drive (21.05 acres), requested by Councilmember Jim Shulman.

**Staff Recommendation – Approve**

**APPLICANT REQUEST** - Request to change 24.17 acres from residential single-family and duplex zoning (R10) to residential single-family (RS10) zoning, on various located on 23rd Avenue South, Oxford Road, Springdale Drive, and Wortham Avenue, between Golf Club Lane and Sharondale Drive.

**Existing Zoning**

R10 district R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

**Proposed Zoning**

RS10 district RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre.

**GREEN HILLS/MIDTOWN COMMUNITY PLAN Policy**

Residential Low Medium (RLM) - RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

**Policy Conflict** - No. The residential density as permitted within the proposed RS10 zoning district (3.7 homes/acre) is consistent with the range called for by the Residential Low Medium policy (2-4 homes/acre). There are 59 properties in this request.

**RECENT REZONINGS** None.

**PUBLIC WORKS RECOMMENDATION** - No Exceptions Taken.

**METRO SCHOOL BOARD REPORT**

**Projected student generation** -As this request to change to single family district represents a downzoning, the number of

expected students to be generated is minimal.

Approved (10-0), *Consent Agenda*

**Resolution No. RS2006-141**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-056U-10 is **APPROVED. (10-0)**

**The proposed RS10 district is consistent with the Green Hills/Midtown Community Plan’s Residential Low Medium policy, which is for residential development within a density range of two to four dwelling units per acre.”**

- 8. **2006Z-057U-05**  
 Map 060-12, Parcel 057  
 Subarea 5 (1994)  
 District 8 - Jason Hart

A request to change from RS10 to RM20 (.59 acres) and RS10 to CS (4.0 acres) zoning property located at 115 Hart Lane, approximately 705 feet east of Dickerson Pike (4.59 acres), requested by James M. Ballentine, owner.

**Staff Recommendation – Disapprove**

**APPLICANT REQUEST** - Request to change 0.59 acres from residential single-family (RS10) to residential multi-family (RM20) and to change 4.0 acres from residential single family (RS10) to commercial services (CS) zoning property located at 115 Hart Lane, approximately 705 feet east of Dickerson Pike.

**Existing Zoning**

RS10 district - RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre.

**Proposed Zoning**

RM20 district - RM20 is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre. Eleven units would be allowed on the portion of this property requested for RM20, if rezoned.

CS district - CS Commercial Service is intended for a variety of commercial uses, including retail trade, consumer services, financial institutions, general and fast food restaurants, auto-repair, auto sales, self-storage, and light manufacturing and small warehouse uses.

**EAST NASHVILLE COMMUNITY PLAN POLICY**

Neighborhood General (NG) -NG policy is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

**Policy Conflict** -Yes. Neighborhood General land use policy does not support intensive commercial zoning, especially those districts that permit a wide array of commercial uses, such as CS. In addition, the adjacent parcels along Dickerson Pike have a Community Center policy, where commercial uses *are* supported under a set of design guidelines. A rezoning to commercial on the majority of this property (4.0 acres) would represent an encroachment of nonresidential uses into an area planned for only residential uses under the newly adopted East Nashville Community Plan. It should be noted that this area is also scheduled for a future Detailed Neighborhood Design Plan.

This application also includes a request to rezone the front portion of the property (0.59 acres) to RM20. Given that Neighborhood General emphasizes the importance of design in the arrangement and mixing of housing types, a straight rezoning to RM20 would not ensure that these aspects of the NG policy would be met at this location.

Staff Recommendation -Staff recommends **disapproval** of the rezoning.

**RECENT REZONINGS** -None.

**PUBLIC WORKS RECOMMENDATION** -No Exceptions Taken.

**Typical Uses in Existing Zoning District: RS10**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Family Detached (210)	4.59	3.7	17	204	22	22

**Typical Uses in Proposed Zoning District: RM20**

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/townhome (230)	0.59	20	12	106	10	11

**Typical Uses in Proposed Zoning District: CS**

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty Retail Center (820)	4.0	0.292	50,878	4,378	105	401

**Change in Traffic Between Typical uses in Existing and Proposed Zoning District**

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	4.59	--		4,280	93	390

**Maximum Uses in Existing Zoning District: RS10**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Family Detached (210)	4.59	3.7	17	204	22	22

**Maximum Uses in Proposed Zoning District: RM20**

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/townhome (230)	0.59	20	12	106	10	11

**Maximum Uses in Proposed Zoning District: CS**

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center(820)	4.0	0.6	104,544	6,991	161	645

**Change in Traffic Between Maximum uses in Existing and Proposed Zoning District**

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				6,893	149	634

**METRO SCHOOL BOARD REPORT**

**Projected student generation     1Elementary     1Middle     1High**

**Schools Over/Under Capacity** - Students would attend Chadwell Elementary School, Gra-Mar Middle School, or Maplewood High School. All schools have been identified as having capacity by the Metro School Board. This information is based upon data from the school board last updated February 2006.

Mr. Pereira presented and stated that staff is recommending disapproval. Mr. Roy Dale addressed the Commission regarding the public notices that are required to be displayed by developers. He suggested that a review be conducted on the information that the developers are required to display.

Mr. Lawson acknowledged the request made by Mr. Roy Dale.

Mr. Small moved and Ms. Jones seconded the motion, which passed unanimously to disapprove Zone Change 2006Z-057U-05. **(10-0)**

The Commission agreed that the topic of public notice be discussed at a future visioning session.

**Resolution No. RS2006-142**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-057U-05 is **DISAPPROVED. (10-0)**

**The requested RM20 and CS district is not consistent with the East Nashville Community Plan’s Neighborhood General policy that is intended for residential and some other uses when located in areas with a detailed neighborhood design plan. While the RM20 district would allow for uses that are consistent with the policy, a PUD or site plan was not submitted.”**

- 9.        2006Z-059U-10**  
           Map 116-12, Parcel Various  
           Map 117-05, Parcel Various  
           Map 117-09, Parcel Various  
           Subarea 10 (2005)  
           District 25 - Jim Shulman

A request to change from R10 to RS10 zoning various properties located on Wimbeldon Road, Hilldale Drive, Scarsdale Road, Ruland Place, Grayswood Avenue, and Foxhall Road, south of Woodmont Boulevard (18.29 acres), requested by Councilmember Jim Shulman.

**Staff Recommendation – Approve**

**APPLICANT REQUEST-** A request to change approximately 18.29 acres from single-family and duplex (R10) to single-family (RS10) zoning various properties located on Wimbeldon Road, Hilldale Drive, Scarsdale Road, Ruland Place, Grayswood Avenue, and Foxhall Road, south of Woodmont Boulevard.

**Existing Zoning**

R10 District     R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

**Proposed Zoning**

RS10 district     RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre.

**GREENHILLS/MIDTOWN COMMUNITY PLAN**

Residential Low Medium (RLM) - RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

**Policy Conflict** - No. The proposed RS10 single-family residential district is consistent with the areas Residential Low

Medium policy.

**PUBLIC WORKS RECOMMENDATION**-No Exceptions Taken

**METRO SCHOOL BOARD REPORT**-The number of students generated by this rezoning is negligible since this is an existing, platted area.

Ms. Harris presented and stated that staff is recommending approval.

Mr. David Lindley, 3401 Wimbeldon Road, spoke in favor of the proposal.

Mr. John McConnell, 3501 Foxhall, spoke in opposition to the proposal

Mr. Wilson Sims, 22 Foxhall spoke in favor of the proposal.

Ms. Nielson moved and Mr. Small seconded the motion, which passed unanimously to approve Zone Change request 2006Z-059U-10. **(10-0)**

**Resolution No. RS2006-143**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-059U-10 is **APPROVED. (10-0)**

**The proposed RS10 district is consistent with the Green Hills/Midtown Community Plan’s Residential Low Medium policy, which is for residential development within a density range of two to four dwelling units per acre.”**

**10. 2006Z-060U-10**

Map 131-11, Parcel Various  
Map 132-09, Parcel Various  
Subarea 10 (2005)  
District 25 - Jim Shulman

A request to change from R20 to RS20 zoning various properties located on Milesdale Drive and Milesdale Court, west of Leland Lane (10.3 acres), requested by Councilmember Jim Shulman

**Staff Recommendation – Approve**

**APPLICANT REQUEST** - A request to change approximately 10.3 acres from single-family and duplex (R20) to single-family (RS20) zoning various properties located on Milesdale Drive and Milesdale Court, west of Leland Lane.

**Existing Zoning**

R20 District R20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25% duplex lots.

**Proposed Zoning**

RS20 District RS20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre.

**GREENHILLS/MIDTOWN COMMUNITY PLAN**

Residential Low (RL) - RL policy is intended to conserve large areas of established, low density (one to two dwelling units per acre) residential development. The predominate development type is single-family homes.

**Policy Conflict** - No, the proposed RS20 single-family residential district is consistent with the areas Residential Low policy.

**PUBLIC WORKS RECOMMENDATION** -No Exceptions Taken

**METRO SCHOOL BOARD REPORT** -The number of students generated by this rezoning is negligible since this is an existing, platted area.

Mr. Swaggart presented and stated that staff is recommending approval.

Ms. Virginia Holly, 1027 Milesdale Drive, spoke in favor of the proposal.

Ms. Carl Johnson, 4412 Milesdale Court, spoke in favor of the proposal.

Ms. Deborah Ladd, 4400 Milesdale Court, spoke in favor of the proposal.

Mr. Ed Nichols, 4420 Milesdale Court, spoke in opposition of the proposal.

A resident of 1016 Milesdale Drive spoke in favor of the proposal.

Mr. McLean moved and Mr. Ponder seconded the motion, which passed unanimously to approve Zone Change request 2006Z-060U-10. **(9-0) Mr. Clifton stepped out of the meeting and was not present for this vote.**

**Resolution No. RS2006-144**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-060U-10 is **APPROVED. (10-0)**

**The proposed RS20 district is consistent with the Green Hills/Midtown Community Plan’s Residential Low policy, which is for residential development within a density range of one to two dwelling units per acre.”**

**10A. 2006SP-061G-12**

Map 172-00, Parcel 157  
Subarea 12 (2004)  
District 31 - Parker Toler

A request to change from RS10 to SP zoning on property located at Nolensville Pike (unnumbered) to permit 25 townhomes, approximately 1,035 feet north of Hills Chapel Road (3.37 acres), requested by Anderson, Delk, Epps & Associates, applicant, for Holt Valley LLC, owner.

**Staff Recommendation – Approve with conditions**

**APPLICANT REQUEST** - A request to change from RS10 to SP zoning on property located at Nolensville Pike (unnumbered) to permit 25 townhomes, approximately 1,035 feet north of Hills Chapel Road (3.37 acres).

**Existing Zoning**

RS10 - ~~RS10~~ requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre.

**Proposed Zoning**

SP district - Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of buildings to streets, to provide the ability to implement the specific details of the General Plan.

- The SP District is a new base zoning district, not an overlay. It will be labeled on zoning maps as “SP.”
- The SP District is not subject to the traditional zoning districts’ development standards. Instead, urban design elements are determined **for the specific development** and are written into the zone change ordinance, which becomes law.
- Use of SP **does not** relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP **does not** relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

**SOUTHEAST COMMUNITY PLAN**

**Structure Plan Category**

Corridor General (CG)-CG is intended for areas at the edge of a neighborhood that extend along a segment of a major

street and are predominantly residential in character. CG areas are intended to contain a variety of residential development along with larger scale civic and public benefit activities. Examples might include single family detached, single-family attached or two-family houses; but multi-family development might work best on such busy corridors. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

**Policy Conflict** - No the proposed SP site plan is consistent with the intent of the Corridor General policy.

**PLAN DETAILS**

Site Plan - The plan is for 25 town homes on approximately 2.94 acres with an overall density of approximately 8.5 units per acre, and a gross floor area of 36,800 square feet.

Access - Access will be provided by a single entrance onto Nolensville Pike. Subdivision regulations require the distance from centerline to centerline between offset T-Type intersections to be at least 300 feet on collector streets. Based on the approved preliminary plan for the Brookview Forest subdivision, which has an access point onto Nolensville, south of this site, the distance requirement cannot be met. Construction plans have been submitted to Public Works for Brookview Forest Phase 5, however, that show the drive further south. While a final plat has not been submitted for the phase of Brookview Forest that will access Nolensville Pike, construction plans indicate the intent to relocate the drive further to the south. Based on construction plans for Brookview Forest Phase 5, the proposed SP plan would result in a separation distance of approximately 425 feet. Prior to the final site plan being approved for this project, the final plat for Brookview Forest Phase 5 must be recorded, and if the separation distance is less than 400 feet, this SP will be required to go back to Council to be amended.

Parking - Seventy one parking spaces are proposed, which is consistent with current parking standards in the Metro Zoning Code.

**Recommendation** - Because the proposed SP plan is consistent with the area’s Corridor General policy, staff recommends approval with conditions. Prior to the final site plan being approved, the final plat for Brookview Forest Phase 5 must be recorded, and if the separation distance is less than 400 feet, this SP will be required to go back to Council to be amended.

**PUBLIC WORKS RECOMMENDATION** - Any approval is subject to Public Works approval of the construction plans. Final design and improvements may vary based on field conditions.

**STORMWATER RECOMMENDATION**- No Exceptions Taken

**FIRE MARSHAL** - Parking shall not be located in turnaround.

**METRO SCHOOL BOARD REPORT**

**Projected student generation\***    1 Elementary    0 Middle    0 High

**Schools Over/Under Capacity** - Students would attend Eakin Elementary School, West End Middle School, and Hillsboro High School. All three have been identified as having capacity by the Metro School Board. This information is based upon data from the school board last updated January 2006.

**CONDITIONS**

1. Prior to the final site plan being approved, the final plat for Brookview Forest Phase 5 must be recorded, and if the separation distance between drives is less than 400 feet, this SP will be required to go back to Council to be amended.
2. The final site plan must identify mailbox locations.
3. The final site plan must identify plans for solid waste collection.
4. Only the uses listed as allowable within the RM9 zoning district, or those specifically identified on the preliminary SP shall be permitted in this SP. The maximum number of dwelling units shall be 25.
5. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission approval, the standard Zoning Code requirements of the RM9 district shall

apply.

6. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
7. Prior to any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the SP plan for filing and recording with the Davidson County Register of Deeds.
8. All signage must be approved by the Planning Commission prior to final Specific Plan approval.
9. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
10. Prior to the filing of any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the SP plan for filing and recording with the Davidson County Register of Deeds.

Approved with conditions (10-0), *Consent Agenda*

**Resolution No. RS2006-145**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-061G-12 is **APPROVED WITH CONDITIONS. (10-0)**

**Conditions of Approval:**

**PUBLIC WORKS RECOMMENDATION** - Any approval is subject to Public Works approval of the construction plans. Final design and improvements may vary based on field conditions.

**STORMWATER RECOMMENDATION**- No Exceptions Taken  
**FIRE MARSHAL** - Parking shall not be located in turnaround.

**CONDITIONS**

1. Prior to the final site plan being approved, the final plat for Brookview Forest Phase 5 must be recorded, and if the separation distance between drives is less than 400 feet, this SP will be required to go back to Council to be amended.
2. The final site plan must identify mailbox locations.
3. The final site plan must identify plans for solid waste collection.
4. Only the uses listed as allowable within the RM9 zoning district, or those specifically identified on the preliminary SP shall be permitted in this SP. The maximum number of dwelling units shall be 25.
5. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission approval, the standard Zoning Code requirements of the RM9 district shall apply.
6. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
7. Prior to any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the SP plan for filing and recording with the Davidson County Register of Deeds.
8. All signage must be approved by the Planning Commission prior to final Specific Plan approval.
9. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water

supply for fire protection must be met prior to the issuance of any building permits.

10. Prior to the filing of any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the SP plan for filing and recording with the Davidson County Register of Deeds.

**The requested SP district and associated SP plan is consistent with the Southeast Community Plan's Corridor General policy that is intended for a variety of residential development types."**

**11. 2006Z-062T**

Council Number - BL2006-1048

A council bill to amend Section 17.40.720 "Notice by Mail" of the Zoning Code by requiring public notification to be lengthened from 21 days to 45 days to property owners within 600 feet of a property to be considered by the Board of Zoning Appeals for special exceptions and variances, sponsored by Councilmember John Summers.

**Staff Recommendation – Approve**

**APPLICANT REQUEST-** Amend Zoning Code to require a minimum of 45 days public notification by mail rather than 21 days, prior to a Board of Zoning Appeals public hearing on a special exception or variance request.

**ANALYSIS**

Existing Law - The Zoning Code currently requires under Section 17.40.720 a minimum public notification period by mail of 21 days prior to a public hearing held by the Board of Zoning Appeals on any special exception, variance, or zoning administrator appeal.

Sections 17.40.310 and 17.40.360 of the Zoning Code both require a public hearing be held on a special exception and variance application within 60 days of the application being deemed complete. The Codes Department only accepts complete applications at the time of submittal.

Proposed Text Change - The proposed text amendment would modify only Section 17.40.720 by increasing the public notification period by mail from a minimum of 21 days to a minimum of 45 days for special exception and variance requests. The proposed changes are underlined below.

**Proposed Text Amendment** -Section 17.40.720 No public hearing, except public hearings conducted by the board of zoning appeals on requests for special exceptions and variances, shall be conducted unless, at least twenty-one days prior to the public hearing, the owner(s) of the subject property and all other property owners within the distances prescribed by this article have been given notice by mail of the time, date and place of the public hearing. No public hearing conducted by the board of zoning appeals on a request for a special exception or variance shall be conducted unless, at least forty-five days prior to the public hearing, the owner(s) of the subject property and all other property owners within the distances prescribed by this article have been given notice by mail of the time, date and place of the public hearing. Properties owned by the applicant shall not be included in the distance measurement for public notice. For a public hearing conducted by the board of zoning appeals, the appellant shall be notified by certified mail. In addition to notification of individual property owners, an incorporated condominium association registered with the metropolitan clerk as requesting notification shall also be notified. For amendments to the official zoning map, or requests for a special exception or variance, written notices shall be sent to property owners located within the following distances from the subject property."

**Analysis**

**Doubles Notification Period** -In 1998 with the Zoning Code rewrite, the Metro Council doubled the public notification by mail period from 10 days to 21 days. The proposed amendment doubles the current public notification period by mail from 21 days to 45 days for special exception and variance requests. These requests are made by businesses, homeowners, religious institutions, schools, day care centers, and Metro agencies for setback variances and to construct new facilities, building additions, garages, carports, sunrooms, parking, and landscaping. Today, these requests are considered by the Board of Zoning Appeals (BZA) within 45 days of application to the Codes Department. The proposed amendment would lengthen by nearly a month the time before BZA consideration of a special exception or variance. According to the Codes Department, it would increase the time from application to BZA consideration from 1.5 months to approximately 3 months.

**Conflict with Other Sections** -The bill proposes to modify only Section 17.40.720 of the Zoning Code. It does not address

Sections 17.40.310 and 17.40.360 which both require a public hearing be held on a special exception and variance application within 60 days of the application being deemed complete. The Codes Department only accepts complete applications at the time of submittal.

*Previous Bill* -Last year, the sponsor had another bill amending this same section of the Zoning Code, Council Bill BL2005-834 (2005Z-155T). That bill would have increased the public notification period to at least 60 days, thereby increasing the time from application submittal to BZA consideration from 45 days to 75 days. Staff had recommended disapproval of the bill, and the planning commission concurred. The sponsor amended the bill on 3<sup>rd</sup> reading from 60 days to 45 days, however, the bill failed on 3<sup>rd</sup> reading. As with the earlier proposed 60 day notification period, the proposed 45 days does conflict with other sections of the Metro Zoning Code.

*Zoning Administrator Appeals* -While this bill intends to increase notification of BZA items, it does not uniformly address all items considered by the BZA. Zoning Administrator appeals would continue to require a minimum of 21 days notification. These appeals relate to someone finding they were wrongly denied a construction permit due to an error by the Zoning Administrator in interpreting the Zoning Code.

*Signs & Newspaper Ads* -With its intended goal of increasing the public notification period, this bill does not modify the display period of public hearing signs or public notification via newspaper ad. These both remain unchanged – with a minimum of 21 days notification. Therefore, only those property owners within 300 feet of the applicant’s property will receive any benefit from a 45-day notification period. Those driving by the property regularly or who live outside the 300 foot notification buffer will only have the benefit of a 21-day notification.

*Internet* - Since the Planning Commission last reviewed the previous bill in November 2005, the Codes Department has begun posting each BZA application submitted for an upcoming docket on its website ([nashville.gov/codes/bza/dockets](http://nashville.gov/codes/bza/dockets)). This gives everyone ample notification of an upcoming item on a 24/7 basis, even those who drive by a site and see a BZA public hearing sign, but are outside of the 300 foot notification buffer.

*BZA Rules & Processes*-The BZA rules require an applicant for a special exception to mail a notice to all property owners within the prescribed 300 foot notification buffer, using a mailing list provided by the Codes Department. The notice must be mailed 14 days prior to the BZA public hearing and include a reasonable representation of the special exception request, a reasonable date, time and place for people to meet with the applicant prior to the BZA public hearing, and a contact name and number.

*Other Middle TN Cities* -Other cities and counties provide 7 to 15 days notification by mail, prior to a public hearing on a special exception or variance application (Cities of Brentwood, Franklin, Hendersonville, Goodlettsville, Mt. Juliet, Lebanon, Columbia; Williamson County, Sumner County, and Robertson County).

*Public Participation* -Currently, the public is made aware of special exception or variance requests to be considered by the BZA in several ways: 1) mailed notice by the applicant, 2) mailed notice by the Codes Department, 3) sign on property, 4) agenda posted on BZA website, 5) applications posted on BZA website, and 6) newspaper ad. The Codes Department has made a significant effort to improve public notification within the past six months by integrating multiple advertising methods to inform the public (signs, mail, Internet, newspaper, community meeting). When the BZA receives considerable public input on a proposed special exception or variance request, the BZA will defer items so the applicant and community can work through issues and areas of concern.

**Staff Recommendation** -Approve with conditions. Staff concurs with the Codes Department that the conflicts with the existing Zoning Code sections must be addressed by any amendment proposing to increase the notification period. As this bill does not currently provide for such, staff recommends conditional approval of this amendment subject to the conflicts with Sections 17.40.310 and 17.40.360 being addressed. Staff noted in its report to the Commission on 11/15/2005 with the previous council bill (BL2005-834), these conflicts. The Codes Department recommends disapproval of the current bill because it still does not, at this time, address these conflicts.

For ease in staff review of BZA applications, planning staff also recommends this bill address appeals to the Zoning Administrator, as was noted in the 11/15/2005 staff report. As filed presently, this bill would require a 45-day notification period for special exceptions and variances, but would leave alone the 21-day notification period for appeals to the Zoning Administrator. While this bill intends to increase notification of BZA items, it does not uniformly address all items considered by the BZA.

Approved with conditions (10-0), **Consent Agenda**

**Resolution No. RS2006-146**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-062T is **APPROVED WITH CONDITIONS. (10-0)**

**Conditions of Approval:**

1. Subject to the conflicts being resolved concerning the number of days required by Sections 17.40.310 and 17.40.360 in which a public hearing must be held by the Board of Zoning Appeals, as well as addressing the Public Hearing notice requirements for Zoning Administrator appeals to be consistent with that proposed by this bill for Special Exceptions and Variances.”

**12. 2006Z-063T**

Council Number - BL2006-1045

A council bill to amend Section 17.28.030.1.a. and 1.b. "Hillside Development Standards - Residential Districts" of the Zoning Code by grandfathering in all preliminary plats approved prior to March 1, 2006 where the minimum width of the building line at the front street back is less than 75 feet, sponsored by Councilmember Amanda McClendon.

**Staff Recommendation – Approve with staff recommended changes**

**APPLICANT REQUEST** - A Council bill to amend Section 17.28.030 of Title 17 of the Metropolitan Zoning Code, “Hillside development standards”:

1. Delete Section 17.28.030.A.1.a. in its entirety and substitute a new section that maintains the existing provisions, but allows that the building envelope width shall be as approved on all preliminary plats approved prior to March 1, 2006.
2. Delete Section 17.28.030.A.1.b. in its entirety and substitute a new section that maintains the existing provisions, but allows that the building envelope width shall be as approved on all preliminary plats approved prior to March 1, 2006.

**BACKGROUND** - Early in 2006, Metro Planners began applying an existing provision in the Metro Code hillside development standards that require a minimum building envelope width. The provision requires that, on critical lots where the natural slopes rise away from the fronting street or are generally parallel to the fronting street, the building envelope be a minimum width of 75 feet at the building line.

Prior to this point, this regulation was inadvertently overlooked by applicants’ engineers and Planning staff and preliminary plats were approved with critical lots with building envelopes that were less than seventy-five feet in width. When Metro Planners noted the building envelope width requirement and attempted to apply it at the final plat approval stage, applicants expressed frustration at being subject to the provision after receiving preliminary approval of their subdivision with smaller building envelope widths.

**EXISTING CODE AND PROPOSED CHANGES** - The hillside development standards are part of the Zoning Code’s Environmental Performance Standards. The hillside development standards require that:

*“The development of residentially zoned property shall minimize changes in grade, cleared area, and volume of cut or fill on those hillside portions of the property with twenty percent or greater natural slope. Approval of a final site plan for a ‘critical lot’ established by the subdivision regulations shall be based upon a demonstration that the proposal takes into consideration factors such as, but not limited to, soil conditions, degree of slope and feasibility of construction.”*

The bill before the Commission would amend two portions of the hillside development standards (referred to here as 1.a and 1.b).

The first section, 1.a., requires that “critical lots” be designated on the final plat of subdivision approved by the Commission. Critical lots are defined as “a single or two-family lot of less than one acre in size with natural slopes equal to or greater than twenty-five percent...”

The bill would amend this provision by adding a sentence to “grandfather” in the building envelope widths approved on these lots if the preliminary plat was approved prior to March 1, 2006.

As amended, the provision would read:

“a. *The building envelope width shall be as approved on all preliminary plats approved prior to March 1, 2006. After March 1, 2006, the resulting lot shall be designated as a ‘critical lot’ on the final plat of subdivision approved by the metropolitan planning commission and the department of public works;*” (*italics reflect language proposed by the bill*).

The second provision proposed to be amended by the ordinance is 1.b., which addresses lots where the natural slope generally rises *away* from the fronting street. As currently written, this provision requires that the building envelope be on land with less than 20 percent natural slope and that the building envelope have a minimum width of seventy-five feet at the building line.

As amended, the provision would read:

“b. For natural slopes that generally rise away from the fronting street, *the building envelope width shall be as approved on all preliminary plats approved prior to March 1, 2006. After March 1, 2006, a building envelope on less than twenty percent natural slope and a minimum width of seventy-five feet at the building line shall be provided...*” (*italics reflect language proposed by the bill*).

**ANALYSIS** - Metro Planning staff is in agreement with the bill sponsors that applying the minimum building envelope width requirements at final plat stage raises equity issues when alternate building envelope widths had been approved at the preliminary plat stage.

Metro Planning staff believes this bill is an equitable solution to the issue. However, staff proposes two changes to the ordinance, which Commissioners could include as conditions.

First, the bill adds a sentence to subsection 1.a. to verify that the building envelope widths approved on preliminary plats prior to March 1, 2006 will be honored. This is duplicative of the change to subsection 1.b., and the added sentence is out of context in subsection 1.a., which currently does not speak to building envelope widths, but merely establishes which lots will be labeled “critical lots” and held to critical lot standards. To avoid giving the impression that only lots approved after March 1, 2006 will be labeled critical lots and held to critical lot standards, Metro Planning staff recommends that the deletion and substitution of 1.a. be removed from the ordinance.

Second, there are two sections of the hillside development standards that apply a minimum building envelope width of seventy-five feet. The bill before Commission proposes to amend one of those sections, but not the other. Metro Planning believes the same equity issues exist in both cases and recommends that section 17.28.030A.1.c. be amended to compliment 1.b.

Section 17.28.030A.1.c. addresses critical lots where the natural slopes are generally parallel with the fronting street. This section also requires a seventy-five foot minimum building envelope width that was not applied prior to March 1, 2006, so the minimum building envelope widths approved in preliminary plats approved prior to March 1 would be honored.

Metro Planning staff recommends, as a condition of approval, that 1.c. be amended. It could be worded as such:

“c. For natural slopes that are generally parallel with fronting street, *the building envelope width shall be as approved on all preliminary plats approved prior to March 1, 2006. After March 1, 2006, a building envelope on less than twenty percent natural slope and a minimum width of seventy-five feet at the building line shall be provided...*”

**STAFF RECOMMENDATION** - Staff recommends approval of 2006Z-063T with the following changes:

1. That the amendment to Section 17.28.030.A.1.a be deleted because the amendments are duplicative and give the impression that lots on slopes of greater than twenty percent may not be labeled “critical lots”, and
2. That Section 17.28.030A.1.c. be amended to read “c. For natural slopes that are generally parallel with fronting street, *the building envelope width shall be as approved on all preliminary plats approved prior to March 1, 2006. After March 1, 2006, a building envelope on less than twenty percent natural slope and a minimum width of seventy-five feet at the building line shall be provided...*”

With these changes, the ordinance will address an inequity inadvertently created by not applying the minimum building envelope width on critical lots prior to March 1, 2006, while continuing to enforce the hillside development standards in the future.

Approved with staff recommended changes (10-0), *Consent Agenda*

**Resolution No. RS2006-147**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-063T is **APPROVED WITH STAFF RECOMMENDED CHANGES. (10-0)**

**Staff Recommendations:**

1. Delete proposed amendment to 17.28.030.A.1.a
2. Add amendment to 17.28.030.A.1.c to address other critical lots where the minimum building width regulation wasn't applied until 2006. The appropriate language for the amendment to add is...

“1.c. For natural slopes that are generally parallel with the fronting street, *the building envelope width shall be as approved on all preliminary plats approved prior to March 1, 2006. After March 1, 2006, a building envelope on less than twenty percent natural slope and a minimum width of seventy-five feet at the building line shall be provided.*”

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**X. PRELIMINARY SUBDIVISION PLATS**

**13. 2006S-109G-06**

Natchez Pointe  
Map 155-00, Parcels 219, 224  
Subarea 6 (2003)  
District 35 - Charlie Tygard

A request for preliminary plat approval to create 56 cluster lots located at 8729 McCrory Lane and McCrory Lane (unnumbered), approximately 1,410 feet south of Lewis Road (59.48 acres), zoned RS80 and RS20, requested by Natchez Point LLC, owner, Barge, Waggoner, Sumner & Cannon, surveyor.

**Staff Recommendation – Disapprove**

Ms. Harris presented and stated that staff is recommending disapproval.

Mr. Jacky Allen, 7009 Waterbury, spoke in favor of the approval.

Mr. Bill Lockwood, Barge, Waggoner, Sumner & Cannon, spoke in favor of the proposal.

Mr. Lawson offered that due to the number of technical modifications associated with this proposal, that a deferral could be warranted.

Mr. Ponder also commented on the number of issues in need of additional review by both the developer and the staff.

Mr. Clifton spoke of the critical lot standards that are included in the proposal.

Mr. Lawson asked Mr. Lockwood would be interested in deferring this proposal for one meeting.

Mr. Lockwood agreed to defer until May 11, 2006.

Mr. McLean commented that he approved of the service road that was included in the proposal.

Mr. Ponder suggested that additional lots should be excluded.

Mr. Loring spoke in favor of the proposal.

Mr. Kleinfelter requested that the Commission give additional guidance on the review needed on this proposal.

Mr. Lawson advised the staff that there was additional opportunity to refine this plan that might provide a compromise that is more acceptable to the Commission.

Mr. Small suggested that an alternate plan be developed for this proposal.

Mr. Ponder moved and Ms. Nielson seconded the motion, to defer Preliminary Subdivision Plat 2006S-109G-06 until May 11, 2006 with the condition that the public hearing remain open until such time. **(10-0)**

**Resolution No. RS2006-148**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-109G-06 is DEFERRED TO THE MAY 11, 2006, PLANNING COMMISSION MEETING. (10-0)”**

- 14. 2006S-136U-13**  
Mill Run Commons  
Map 148-00, Parcel Part of 066  
Subarea 13 (2003)  
District 28 - Jason Alexander

A request for preliminary plat approval to create 8 single-family lots, 3 multi-family lots, and 1 greenway/conservation easement lot at Franklin Limestone Road (unnumbered), approximately 1,600 feet east of Antioch Pike (38.25 acres), zoned RM6, requested by Gold Star Development Inc., owner, MEC Inc., engineer/surveyor.

**Staff Recommendation – Approve with conditions**

**APPLICANT REQUEST -Preliminary Plat**

Subdivide 38.25 acres into eight single-family lots, three multi-family lots, and one greenway/ conservation easement lot along the south side of Franklin-Limestone Road.

**ZONING**

**RM6 District -RM6** is intended for single-family, duplex, and multi-family dwellings at a density of 6 dwelling units per acre.

The Planning Commission recommended approval of the RM6 district in January 2004 and the Council subsequently approved the RM6 district.

**ANTIOCH-PRIEST LAKE COMMUNITY PLAN**

Residential Medium - RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Natural Conservation - NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential development (not exceeding one dwelling unit per two acres) may be appropriate land uses.

**SUBDIVISION DETAILS** -The proposed plan for 8 single-family lots includes a connection to three existing stub-streets. The first street connection to Artelia Drive proposes to dead-end this street in a cul-de-sac with two new lots accessing the turn-around at the end of the cul-de-sac. The second street connection to Xavier Drive proposes to extend this road from the existing Oakwood Terrace Subdivision to the south to Franklin-Limestone Road. The third street connection proposes to extend Long Branch Drive (within the Quiet Creek Subdivision) through this subdivision to the new extension of Xavier Drive. All land in the boundary of the subdivision that is located within the Natural Conservation Policy is being dedicated as a Greenway Conservation Easement.

Multi-Family Development -Lots 9 (10.9 acres) and 10 (9.28 acres) are zoned RM6, which would allow a total of 121 multi-family units.

Single-Family Lots - The eight single-family lots meet the minimum lot size requirements for RM6 (6,000 sq. ft.) for single-family development.

Sidewalks - Sidewalks are proposed on both sides of all of the new streets within this subdivision. Because this is within multi-family zoning, where sidewalks are determined by the Zoning Code requirements, the sidewalks along Franklin-Limestone Road will be determined at the building permit stage for each lot.

**PUBLIC WORKS RECOMMENDATION**

1. Show professional seal.
2. Any approval is subject to Public Works review and approval of construction plans. Final design and improvements may vary based on field conditions.
3. Adequate site distance is required to AASHTO standards. Submit sight distance documentation prior to construction plan preparation.
4. Additional off-site improvements may be required with multi-family development.
5. Construct a westbound left turn lane on Franklin-Limestone Road at the site access with 100 feet of storage and transitions per AASHTO/MUTCD standards.
6. Construct the site access road at Franklin Limestone Road with one entering and two exiting lanes (LT and RT) each with 100 feet of storage and transitions per AASHTO/MUTCD standards.
7. Construct an eastbound right turn lane on Franklin Limestone road at the site access with 125 feet of storage and transition per AASHTO/MUTCD standards.

**STORMWATER RECOMMENDATION - Approve**

**CONDITIONS**

1. Prior to the issuance of any building permits, a final plat shall be recorded, including the posting of any necessary bonds to secure the satisfactory construction, installation, and dedication of all required public improvements.
2. All conditions, as recommended by Public Works, must be completed, satisfied, or bonded prior to final plat recordation, or as determined prior to final plat approval.
3. Any approval is subject to Public Works review and approval of construction plans. Final design and improvements may vary based on field conditions.
4. Adequate site distance is required to AASHTO standards. Submit sight distance documentation prior to construction plan preparation.
5. Additional off-site improvements may be required with multi-family development.
6. Construct a westbound left turn lane on Franklin-Limestone Road at the site access with 100 feet of storage and transitions per AASHTO/MUTCD standards.
7. Construct the site access road at Franklin Limestone Road with one entering and two exiting lanes (LT and RT) each with 100 feet of storage and transitions per AASHTO/MUTCD standards.
8. Construct an eastbound right turn lane on Franklin Limestone road at the site access with 125 feet of storage and transition per AASHTO/MUTCD standards.
9. Sidewalks along Franklin-Limestone Road to be determined by the Zoning Code requirements at the building permit stage for multi-family zoning.
10. A note shall be added to the final plat for Lot No. 12 (Proposed Greenway Dedication/Conservation Easement) that says this lot shall be maintained by the property owner or the property owners of the subdivision and that the Metro Nashville Government will not be responsible for maintaining the property. Or, at the final plat stage, Lot 12 shall be combined with Lot No. 9 so that this area will be maintained by the multi-family development on this site.

Approved with conditions (10-0), *Consent Agenda*

**Resolution No. RS2006-149**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-136U-13 is **APPROVED WITH CONDITIONS. (10-0)**”

**Conditions of Approval:**

**CONDITIONS**

1. Prior to the issuance of any building permits, a final plat shall be recorded, including the posting of any necessary bonds to secure the satisfactory construction, installation, and dedication of all required public improvements.
2. All conditions, as recommended by Public Works, must be completed, satisfied, or bonded prior to final plat recordation, or as determined prior to final plat approval.
3. Any approval is subject to Public Works review and approval of construction plans. Final design and improvements may vary based on field conditions.
4. Adequate site distance is required to AASHTO standards. Submit sight distance documentation prior to construction plan preparation.
5. Additional off-site improvements may be required with multi-family development.
6. Construct a westbound left turn lane on Franklin-Limestone Road at the site access with 100 feet of storage and transitions per AASHTO/MUTCD standards.
7. Construct the site access road at Franklin Limestone Road with one entering and two exiting lanes (LT and RT) each with 100 feet of storage and transitions per AASHTO/MUTCD standards.
8. Construct an eastbound right turn lane on Franklin Limestone road at the site access with 125 feet of storage and transition per AASHTO/MUTCD standards.
9. Sidewalks along Franklin-Limestone Road to be determined by the Zoning Code requirements at the building permit stage for multi-family zoning.
10. A note shall be added to the final plat for Lot No. 12 (Proposed Greenway Dedication/Conservation Easement) that says this lot shall be maintained by the property owner or the property owners of the subdivision and that the Metro Nashville Government will not be responsible for maintaining the property. Or, at the final plat stage, Lot 12 shall be combined with Lot No. 9 so that this area will be maintained by the multi-family development on this site.”

15. **2006S-148G-14**  
Hermitage Creek  
Map 086-00, Parcel 249  
Subarea 14 (2004)  
District 12 - Jim Gotto

A request for preliminary plat approval to create 11 cluster lots at Tulip Grove Road (unnumbered), approximately 2,520 feet north of Rockwood Drive (5.63 acres), zoned RS15, requested by Hermitage Creek Homes II LLC, owner, Civil Site Design Group, surveyor.

**Staff Recommendation – Disapprove**

**The Metropolitan Planning Commission DEFERRED Preliminary Subdivision Plat 2006S-148G-14 to May 11, 2006, at the request of the applicant. (10-0)**

## **XI. FINAL PLATS**

16. **2006S-133U-12**  
Carden Subdivision, Sec. 2  
Map 161-00, Parcel 028  
Subarea 12 (2004)  
District 27 - Randy Foster

A request for final plat approval to create 3 lots at Edmondson Pike (unnumbered), approximately 1,050 feet south of Brent Glen Point (3.65 acres), zoned R15 and OL, requested by William and Gail Cate, owners, John Kohl & Co., surveyor.

**Staff Recommendation – Approve with conditions**

**Staff Recommendation - Approve with conditions, including the required Stormwater note corrections and a variance for lot frontage for Lot 3.**

### **APPLICANT REQUEST -Final Plat**

Subdivide 3.65 acres into three lots along the west side of Edmondson Pike, approximately 1,050 feet south of Brent Glen Point.

### **ZONING**

**OL District - Office Limited** is intended for moderate intensity office uses.

**R10 district - R10** requires a minimum 10,000 square foot lot and is intended for single -family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

**R15 district - R15** requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25% duplex lots.

The Planning Commission recommended approval of the OL district in September of 2005, while the Council subsequently approved the OL district in November 2005.

### **SOUTHEAST COMMUNITY PLAN**

Special Policy Area 8 -This special policy area along Edmondson Pike, north of the branch library, may be developed in accordance with the standard Residential Medium Density policy or with ON or OL zoning. Because of traffic conditions along Edmondson Pike and environmental and dimensional conditions of the policy area, and the Subarea Plan requires all properties within this area to have coordinated parking and building locations that enhance the environmental qualities of the site.

This property was rezoned in late 2005. With that rezoning, the Planning Commission considered a site plan for this property that allowed cross-access to the adjacent properties to the north, and included a joint-access easement for the remaining residential property to the rear of this site. The proposed subdivision is consistent with that plan.

**SUBDIVISION DETAILS -** This plat proposes two lots fronting Edmondson Pike, which are zoned OL (Office Limited), and one lot to the rear within the R10 and R15 residential zoning district. The site is divided by Seven Mile Creek,

including areas of floodway and floodplain.

The Zoning Code and Stormwater Management Regulations require portions of this floodplain area to be protected in a natural state. The proposed plat includes the required 50 foot floodway buffer on both sides of Seven Mile Creek. The applicant has also provided a map showing that 50% of the development site is protected in a natural state, as required by the Zoning Code.

Greenway Easement - The Southeast Community Plan calls for a greenway along Seven Mile Creek. The applicant has shown a reservation for a Greenway/Conservation public access trail easement area on the plat.

Variance - Section 2-4.2A of the Subdivision Regulations requires each lot to have road frontage on a public street. Lot No. 3 on the proposed plat does not have street frontage, which requires a variance to this section of the Subdivision Regulations. Staff recommends approval of this variance due to the topographic conditions of the site, where Seven Mile Creek divides the front portion of the site from the back portion of the site. Due to the split zoning on the site and the topographic constraints limiting the ability of Lot 3 to have direct access, staff recommends approval of the lot frontage variance. The plat includes a joint-access easement through the office site to the existing home at the rear of the site.

**PUBLIC WORKS RECOMMENDATION - No Exception Taken**

**STORMWATER RECOMMENDATION - Returned for Corrections**

1. Properly show and label a public drainage easement for seven mile creek. The drainage easement must be centered over the creek. See Markup. Refer to Table 6.1 from Volume 1 of the Stormwater Management Manual for required drainage easement widths.
2. Correct plat note #15. According to the Metro Flood Study, conducted February 2001, the worst case 100 Year flood elevation is 557.0' As such, change 555.7 to 557.0, and correct the minimum FFE from 559.7 to 561.0.

**CONDITIONS**

1. Prior to the issuance of any building permits, a final plat shall be recorded, including the posting of any necessary bonds to secure the satisfactory construction, installation, and dedication of all required public improvements.
2. Prior to recordation, revised plat shall include a 10' private water line service easement for service to Lot 3.

Approved with conditions (10-0), *Consent Agenda*

**Resolution No. RS2006-150**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-133U-12 is **APPROVED WITH CONDITIONS. (10-0)**

**Conditions of Approval:**

**CONDITIONS**

1. Prior to the issuance of any building permits, a final plat shall be recorded, including the posting of any necessary bonds to secure the satisfactory construction, installation, and dedication of all required public improvements.
2. Prior to recordation, revised plat shall include a 10' private water line service easement for service to Lot 3.”

17. **2006S-139A-10**  
Harpeth View Estates, Sec. 2, Lot 13  
Maps 130-15, Parcel 061  
Subarea 10 (2005)  
District 34 - Lynn Williams

A request to amend the recorded street setback along Wayland Drive from 100 ft to 85 ft and along Wayland Court from 75 ft to 60 ft, northwest corner of Wayland Drive and Wayland Court (.96 acres), zoned R40, requested by Green Investors LLC, owner, Russell Looney, agent.

**Staff Recommendation – Approve**

**APPLICANT REQUEST -Final Plat**

A request to amend the recorded street setback along Wayland Drive from 100 ft to 85 ft, and along Wayland Court from 75 ft to 60 ft. for the property located at 4529 Wayland Drive.

**Zoning**

R40 district - R40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25% duplex lots.

**SUBDIVISION DETAILS** - The request is to amend the recorded setbacks from 100 ft to 85 ft along Wayland Drive, and from 75 ft to 60 ft along Wayland Court.

The existing setback is not a requirement of the Metro Code or Subdivision Regulations, but essentially reflects a private agreement among the homeowners in the subdivision that is shown on the recorded plat. For that reason, staff has required the applicant to provide notice of the Public Hearing for this request to all property owners within the subdivision.

**STORMWATER RECOMMENDATION** - No Exceptions Taken

**PUBLIC WORKS RECOMMENDATION** - No Exceptions Taken

Approved (10-0), *Consent Agenda*

**Resolution No. RS2006-151**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-139A-10 is **APPROVED. (10-0)**”

**XII. PLANNED UNIT DEVELOPMENTS (revisions)**

**18. 102-86-P-06**

Riverside, Phase 7  
Map 142, Parcel 120  
Map 142-130B, Parcel 001  
Subarea 6 (2003)  
District 35 - Charlie Tygard

A request to amend the approved preliminary plan for a residential Planned Unit Development, located on the south side of Northridge Drive, and west of Old Harding Pike, classified RS20 (14.29 acres) to allow for an additional 9 lots to Phase 7, increasing the total number of approved single family lots in the PUD from 254 to 263 single family lots, requested by Walter Davidson and Associates, applicant for Rochford Construction Company, owner.

**Staff Recommendation – Disapprove**

**The Metropolitan Planning Commission DEFERRED Planned Unit Development 102-86-P-06 indefinitely at the request of the applicant. (10-0)**

**19. 2004P-035G-12**

Burkitt Place, Phase 2  
Map 186-00, Parcel Part of 015, Part of 031/021  
Subarea 12 (2004)  
District 31 - Parker Toler

A request to revise the approved preliminary plan and for final approval for a phase of the residential Planned Unit Development district located on the south side of Burkitt Road, approximately 1,000 feet east of Nolensville Pike, classified RM9, R8 and RS10, (75.05 acres), to permit 191 single-family lots, and 64 townhomes, requested by Civil Site Design Group, applicant for Burkitt Place Development, LLC, owner.

**Staff Recommendation – Approve with conditions**

**APPLICANT REQUEST - Final PUD**

A request to revise the approved preliminary plan and for final approval for a phase of the residential Planned Unit Development district located on the south side of Burkitt Road, approximately 1,000 feet east of Nolensville Pike, classified RM9, R8 and RS10, (75.05 acres), to permit 191 single-family lots, and 64 townhomes.

## PLAN DETAILS

Site Plan Details - The plan completes the final phase of the Burkitt Place development with 191 single-family lots and 64 townhomes. The development consists of 3 sections. The first, in the northwest corner contains the 64 townhomes. The second and third areas contain the 191 single-family lots. There are an additional 65 single-family homes located in Williamson County.

The development provides 3 future street connections to the south and the east. Landscape buffers shall be provided along Burkitt Road where lots and units back up to the road. Existing vegetation may be used towards satisfying the planting requirements as long as it is protected according to the Urban Forester's requirements during the construction process. The plan also provides alternative pedestrian paths through the open space.

## PUBLIC WORKS RECOMMENDATION

1. The thresholds are expressed as the number of building permits for residential units in this development.
2. The developer shall construct a westbound left turn lane with 125 foot of storage and transition per AASHTO standards on Burkitt Road at the project access. Threshold: (162 homes)
3. The developer shall construct a southbound left turn lane with 200 feet of storage and transition per ASSHTO standards on Nolensville Road at Burkitt Road. Threshold: (145 homes)
4. The developer shall construct both project access roads at Phase 1. The access road in Davidson County off of Burkitt shall have 1 entering lane and 2 exiting lanes with separate left and right turn lanes with 100 feet of storage and transitions per ASSHTO standards.
5. Provide adequate sight distance at Burkitt / project access intersection.
6. The one-way Roundabout shall be designed with splitter islands and smooth radius to accommodate adequate truck turning movements.
7. The developer shall construct a right turn with 75 feet of storage and transition per AASHTO standards on Burkitt at project access. Threshold:  
  
(162 homes) This work should be completed at the same time that the left turn lane on Burkitt Road (item 1) is constructed.
8. Dedicate / Reserve  $\frac{1}{2}$  ROW for U4 (84'/2) cross-section along Burkitt Road plus ROW for right turn lane. Burkitt is identified as having 2 - 10 ft. travel lanes. The developer shall reconstruct Burkitt Road from the project access road to Nolensville Road with 12 ft. wide travel lanes and 4 feet shoulders. This is in addition to turn lanes on Burkitt Road at project access road. (Due to topographic constraints on the north side of the road along the project boundaries, the developer intends to perform this widening all on the south side of the road from the project access road to the western boundary of the property. Then from the western boundary of the property to Nolensville Road, the widening will be provided symmetrically on each side of the road. Appropriate horizontal transitions will be provided.) Threshold: (162 homes) This work should be completed at the same time that the left turn lane on Burkitt Road (item 1) is constructed.
9. Provide vehicular cross access to adjacent property along Nolensville Road.
10. The developer shall conduct traffic counts at Burkitt Road. and Nolensville Road. and submit warrant analysis to Metro Traffic Engineer for signal approval at 50%, 75% and 100% issuance of building permits in Davidson and Williamson County. Submit signal plan for approval when warranted and install signal when approved.

**STORMWATER RECOMMENDATION** - Plans not approved. Technical comments returned to applicant on April 12, 2006. Waiting for applicant to resubmit revised plans.

## FIRE MARSHAL RECOMMENDATION

1. Fire hydrants should flow a minimum of 500 GPM's at 30-35 psi residual flow at the most remote hydrant. Depending upon side set backs, construction type and the square footage of the building water demands may be greater.

2. All dead end roads over 150 ft. in length requires a 100 ft. diameter turnaround, or other turning arrangements approved by the Fire Marshal's Office. This includes temporary turnarounds.

**CONDITIONS (if approved)**

1. Comply with Public Works conditions of approval (1-10) as listed above.
2. Landscaping plans must be approved by the Urban Forester prior to the issuance of a grading permit. Any existing landscaping used to satisfy the buffer requirements must be protected throughout the construction process.
3. The alternative pedestrian trails through open space shall be bonded with the final plat.
4. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
5. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
6. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
7. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
8. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
9. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require re-approval by the Planning Commission.

Approved with conditions (10-0), *Consent Agenda*

**Resolution No. RS2006-152**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-035G-12 is **APPROVED WITH CONDITIONS. (10-0)**

**Conditions of Approval:**

**PUBLIC WORKS RECOMMENDATION**

1. The thresholds are expressed as the number of building permits for residential units in this development.
2. The developer shall construct a westbound left turn lane with 125 foot of storage and transition per AASHTO standards on Burkitt Road at the project access. Threshold: (162 homes)
3. The developer shall construct a southbound left turn lane with 200 feet of storage and transition per ASSHTO standards on Nolensville Road at Burkitt Road. Threshold: (145 homes)
4. The developer shall construct both project access roads at Phase 1. The access road in Davidson County off of Burkitt shall have 1 entering lane and 2 exiting lanes with separate left and right turn lanes with 100 feet of storage and transitions per ASSHTO standards.

5. Provide adequate sight distance at Burkitt / project access intersection.
6. The one-way Roundabout shall be designed with splitter islands and smooth radius to accommodate adequate truck turning movements.
7. The developer shall construct a right turn with 75 feet of storage and transition per AASHTO standards on Burkitt at project access. Threshold:  
  
(162 homes) This work should be completed at the same time that the left turn lane on Burkitt Road (item 1) is constructed.
8. Dedicate / Reserve ½ ROW for U4 (84'2) cross-section along Burkitt Road plus ROW for right turn lane. Burkitt is identified as having 2 - 10 ft. travel lanes. The developer shall reconstruct Burkitt Road from the project access road to Nolensville Road with 12 ft. wide travel lanes and 4 feet shoulders. This is in addition to turn lanes on Burkitt Road at project access road. (Due to topographic constraints on the north side of the road along the project boundaries, the developer intends to perform this widening all on the south side of the road from the project access road to the western boundary of the property. Then from the western boundary of the property to Nolensville Road, the widening will be provided symmetrically on each side of the road. Appropriate horizontal transitions will be provided.) Threshold: (162 homes) This work should be completed at the same time that the left turn lane on Burkitt Road (item 1) is constructed.
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9. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require re-approval by the Planning Commission.”

### **XIII. OTHER BUSINESS**

20. Technical Assistance Contract with Greater Nashville Regional Council with the Metropolitan Planning Organization

Approved (10-0), *Consent Agenda*

21. Amendment One to the Southeast Corridor Transit study to extend the length of the contract

Approved (10-0), *Consent Agenda*

22. Amendment Two to the Southeast Corridor Transit study to extend the length of the contract

Approved (10-0), *Consent Agenda*

23. Executive Director Reports

24. Legislative Update

### **XVI. ADJOURNMENT**

The meeting was adjourned at 5:45 p.m.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

#### **Equal Employment Opportunity Employer**



The Planning Department does not discriminate on the basis of age, race, sex, color, national origin, religion or disability in access to, or operation of its programs, services, activities or in its hiring or employment practices. **ADA inquiries should be forwarded to:** Josie L. Bass, Planning Department ADA Compliance Coordinator, 800 Second Avenue South, Nashville, TN 37201, (615)862-7150. **Title VI inquires should be forwarded to:** Michelle Lane, Metro Title VI Coordinator, 222 Third Avenue North, Suite 200, Nashville, TN 37201, (615)862-6170. **All employment related inquiries should be forwarded to Metro Human Resources:** Delaine Linville at (615)862-6640.